

1. As to Interrogatory 3-6, the Commission is of the opinion that the listing of prison facilities in South Carolina currently using Southern Bell's 0+ Automated Operator Services and a date which such services began to be utilized is relevant discovery in light of Southern Bell's assertion that the revenues Southern Bell currently derives from prisons served it support local service and that these revenues will be diverted if Applicants are authorized to provide the service requested. Southern Bell should file the appropriate response.

2. As to Interrogatory 3-7, the Commission is of the opinion that Southern Bell responded to this interrogatory in its recent response, however, the Company is instructed to provide a clearer copy to both the Commission and the Applicants of its Coin Settlements Commission Rate Structure Plan.

3. As to Interrogatory 3-8, Applicants request information concerning prison facilities in South Carolina which are currently scheduled to begin using Southern Bell 0+ Automated Operator Service and request a date that those facilities are scheduled to begin utilizing that service. Southern Bell's response does not list such facilities nor does it indicate when such facilities may begin utilizing the service. Southern Bell should provide a complete response to the interrogatory.

4. As to Interrogatory 3-9, Southern Bell filed its Answer to the interrogatory in its Response to the Motion to Compel.

5. Southern Bell provided the information requested in

Interrogatory 3-21 in its Response to the Motion to Compel.

6. As to Interrogatories 3-22, 3-23 and 3-24, Southern Bell claims the work product privilege pursuant to South Carolina Rules of Civil Procedure, Rule 26(b)(3). The Commission is of the opinion that the privilege claimed by Southern Bell is a proper one and that only upon showing that the Applicants have substantial need of the materials obtained by Southern Bell and that they are unable without due hardship to obtain the substantial equivalent of the materials by other means should this information be required to be produced by Southern Bell. The Commission is of the opinion that the Applicants may inquire of officials, agents or employees of the York County Detention Center or of York County to obtain the information requested. Southern Bell's objections as to Interrogatories 3-22, 3-23 and 3-24 are sustained.

7. As to Interrogatory 3-25, Southern Bell provided the information in its Response to the Applicants' Motion to Compel.

8. As to Interrogatory 3-26, Southern Bell should supply an answer as to when Southern Bell began offering call screening in the Richland County Detention Center.

9. In Interrogatories 3-29 through 3-32, Applicants request information regarding the automated collect product currently being utilized by the prisoners at the Lexington County Detention Center. In Southern Bell's initial response, it noted that the Lexington County Detention Center is not located in a Southern Bell exchange. The Applicants point out in their Motion to Compel

that Southern Bell is currently providing operator and automated operator services to Alltel, the local exchange company serving the Lexington County Detention Facility on a contract basis. The Applicants take the position that Southern Bell is currently then, providing telephone service (0+ automated collect and traditional live operator services) at the Lexington County Detention Facility for inmate calling. With this in mind, the Commission is of the opinion that Southern Bell should supply the information requested in Interrogatories 3-29 through 3-32 as it is applicable.

10. As to Interrogatory 3-34, Southern Bell supplied that information in its Response to the Motion to Compel.

11. While Southern Bell contends that it responded to Interrogatories 3-38, 3-39 and 3-40, Applicants assert that the Company did not respond correctly to the question or that the Company interpreted the question differently from the way it way intended to be asked. Interrogatory 3-36 asks "what rate is Southern Bell currently charging to customers accepting local collect calls placed from pay-phone located (in various locations)". Interrogatories 3-38 through 40 are related to the response to 3-36. Specifically, 3-38 asks whether the rates set forth in response to Interrogatory 3-36 changed within the last six (6) months. Southern Bell's response is that the rates have not changed but that Southern Bell was erroneously charging an incorrect rate prior to October 5, 1990. Interrogatory 3-39 asks that if the answer to Interrogatory 3-38 is affirmative, to set forth the date the decision was made to change each rate, the

length of time the previous rate had been charged and the amount of the previous rate. Southern Bell's response refers to its response to Interrogatory 3-36. However, as the Applicants point out in their Motion to Compel, the question was not what the tariffed rate of Southern Bell was for this service but rather what was the rate charged. It is apparent to the Commission that the question does not ask for the tariffed rate but the rates that were actually charged by Southern Bell for the types of calls listed. Additionally, the responses to Interrogatory 3-39 and 3-40 should be responded to in the same vein.

12. As to Interrogatory 3-41, the Commission is of the opinion that Southern Bell responded to this interrogatory in both its original answer and in its Response to the Motion to Compel.

13. In Interrogatory 3-42, Applicants seek to discover data indicating the percentage of local, intraLATA and interLATA calls placed from confinement facilities in South Carolina. Southern Bell originally objected to providing this information on the grounds that it is highly sensitive market data. In its response to the Motion to Compel, Southern Bell responded that the information is not available in the form requested. In light of the new response, the Commission is of the opinion that Southern Bell should supply the information to the Applicants in its existing form.

14. As to Interrogatory 3-43, the response of Southern Bell to this interrogatory, in the Commission's opinion, is a sufficient response and answers the question propounded by the

Applicants.

Having ruled upon the Motion to Compel of the Applicants, the Commission is of the opinion that Southern Bell should file the responses as required herein no later than December 5, 1990.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)